UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

JTH TAX, INC. d/b/a LIBERTY TAX SERVICE,

Plaintiff,

Civil No. ____________________

v.

JEROME REED,

Defendant.

Declaration of David Sager

Pursuant to 28 U.S.C. § 1746, I, David Sager, submit this declaration in support of JTH Tax, Inc.'s ("Liberty") claim against Jerome Reed ("Reed"). I declare under penalty of perjury that the following statements are true and correct:

1. I have personal knowledge of each of the matters set forth in this Declaration, am under no legal disability, and if called in open court to testify could do so competently.

2. I am authorized to practice in the United States District Court for the District of New Jersey and have been so authorized since December 1, 1994.

3. I am currently a Partner with Day Pitney LLP, located in Florham Park, New Jersey and have been employed by the firm since December 23, 1996.

4. Day Pitney was retained by Liberty to represent Liberty in the law suit styled, *Reed v. Liberty Tax Service, Inc. John Does I-V, XYZ Corp. I-V,* Civil Action No. 07-1804 (DMC), filed in the United States District Court for the District of New Jersey on April 17, 2007. I served as lead counsel in this case.

Dockets.Justia.com

5. On May 7, 2007, Liberty filed a Motion to Transfer the case to the United States District Court, Eastern District of Virginia, Norfolk Division pursuant to a forum selection clause contained in each of Reed's Franchise Agreements.

6. On August 2, 2007, the United States District Court for the District of New Jersey granted Liberty's Motion to Transfer the case to the Eastern District of Virginia, pursuant to a forum selection clause.

7. In defending Liberty in the New Jersey action brought by Reed, Liberty incurred $17,173.14 in legal fees charged by my firm.

8. I currently bill at the hourly rate of $440. I also had two associates at Day Pitney work on this case: Paul Marino and Lisa Ackerly. Paul Marino billed at the hourly rate of $275 and Lisa Ackerly billed at the hourly rate of $230. These rates are customary and reasonable for the area of practice and region in which Day Pitney is located.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 30th day of August 2007.

David Sager